

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ASHLEY WILSON and THE
ESTATE OF MARK REYNOLDS,
Plaintiffs,
v.

WILLIE NELSON, RICHARD
ALVES, BUDDY CANNON, JOHN
COLGIN, MICHAEL MCQUERRY,
COLLEYWOOD MUSIC, RUN
SLOW MUSIC, ACT FIVE MUSIC,
COTTON VALLEY WORLDWIDE
PUBLISHING, HARD LABOR
MUSIC, WARNER-TAMERLANE
PUBLISHING CORPORATION,
LEGACY RECORDINGS, SONY
MUSIC ENTERTAINMENT, and
YEP ROCK RECORDS,
Defendants.

MOTION TO EXTEND TIME
TO SERVE DEFENDANTS

COME NOW ASHLEY WILSON and THE ESTATE OF MARK REYNOLDS (“Plaintiffs”) and WILLIE NELSON (“Defendant Nelson”) and move for an extension of time to serve summons pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Plaintiffs' current deadline to serve process on all Defendants is July 3, 2015. Plaintiffs have been negotiating settlement with Defendant Nelson, whose

counsel is authorized to negotiate settlement with respect to all named Defendants, since March 16, 2015. *See Exhibit A*. These settlement negotiations are continuing, and Counsel for Defendant Nelson believes serving process on all Defendants may upset settlement negotiations. *Id.* Additionally, Plaintiffs' claims may be barred by the statute of limitations if Plaintiffs are forced to refile as a result of the claims being dismissed without prejudice.

The Eleventh Circuit has held that a district court should consider whether circumstances warrant an extension based on the facts of each case. *Lepone-Dempsey v. Carroll County Comm'rs*, 476 F.3d 1277, 1282 (11th Cir. Ga. 2007). Circumstances that may warrant an extension include the potential running of the statute of limitations as well as the existence of ongoing settlement negotiations. *See, e.g., Horenkamp v. Van Winkle & Co.*, 402 F.3d 1129, 1133 (11th Cir. Ga. 2005) (affirming district court's grant of extension because refiling would be barred by the statute of limitations); *accord. Lepone-Dempsey*, 476 F.3d at 1282 (reversing dismissal for failure to serve and remanding for consideration of the statute of limitations issue); *see also Bicycle Peddler, LLC v. Doe*, 2013 U.S. Dist. LEXIS 112577, 1-2 (M.D. Fla. Aug. 9, 2013) (granting a motion to extend time to serve because parties were negotiating in good faith, recognizing that settlement negotiations may be upset by even inconsequential actions like service of process).

Because of the possibility of resolving this case through settlement, Plaintiffs and Defendant Nelson jointly move the Court to extend the time to serve summons on all named Defendants by sixty (60) days. This would allow all parties involved to avoid potentially unnecessary fees and costs associated with proceeding with litigation.

Respectfully submitted June 30, 2015.

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EXHIBIT A

Becki C. Lee

From: FinanR@gtlaw.com
Sent: Tuesday, June 30, 2015 4:13 PM
To: Becki C. Lee
Subject: FW: Willie Nelson

Becki,

I am actively negotiating a settlement for the benefit of all defendants. I am confident that we will conclude this matter quickly and amicably.

All rights reserved.

Rob

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